

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

GEMINI TRUST COMPANY, LLC,

Defendant.

Case No. 22 Civ. 4563 (AKH)

**STIPULATION REGARDING BRIEFING SCHEDULE FOR MOTION
SEEKING PROTECTIVE ORDER**

WHEREAS, on September 6, 2023, Plaintiff Commodity Futures Trading Commission (“CFTC”) moved for a protective order (the “Motion for Protective Order”) barring a deposition of a CFTC representative designated under Federal Rule of Civil Procedure 30(b)(6) or, in the alternative, striking certain of the deposition topics set forth in the Notice of Rule 30(b)(6) Deposition issued by Defendant Gemini Trust Company, LLC (“Gemini”).

WHEREAS, pursuant to Rule 6.1(a) of the Local Civil Rules of the U.S. District Court for the Southern District of New York, the presumptive deadline for Gemini to file any opposition to the Motion for Protective Order is September 13, 2023, and the CFTC’s reply to Gemini’s opposition would be due by September 15, 2023;

WHEREAS the Motion for Protective Order concerns numerous important legal and factual issues, which Gemini’s counsel needs time to assess and prepare responses to, and which the CFTC will require adequate time to reply to;

WHEREAS counsel for Gemini and the CFTC have conferred regarding a reasonable briefing schedule;¹

¹ Counsel have also been conferring on a comparable extension to the opposition and reply

NOW, THEREFORE, the parties hereby stipulate and agree to the following schedule for briefing the Motion for Protective Order, and respectfully request that the Court enter an order approving the same:

1. Gemini shall file its opposition to CFTC's Motion for Protective Order by October 3, 2023.
2. CFTC shall file its reply to Gemini's opposition by October 13, 2023.

Dated: September 12, 2023

Respectfully submitted,

/s/ John F. Baughman

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deadlines related to a motion that Gemini expects to file later this week, and the parties expect to agree on a similar extension for that motion.

SO ORDERED.

Dated: _____, 2023

HON. ALVIN K. HELLERSTEIN
United States District Judge